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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/492,668	01/27/2000	Roy A. Garver	242/300	1205

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09/21/2005

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EXAMINER

WALSH, DANIEL I

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 09/21/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/492,668

Applicant(s)

GARVER, ROY A.

Examiner

Daniel I. Walsh

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 33-39 and 55 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 33-39 and 55 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

DETAILED ACTION

1. Receipt is acknowledged of the RCE received on 5 July 2005.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 33-39 and 55 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schlieffers et al. (US 6,394,355) in view of Tracy et al. (US 6,550,672) and Swartz et al. (US 6,092,725).

Re claim 33, Schlieffers et al. teaches a portable terminal (10) including a data reader and a first RF interface wherein the portable terminal identifies selected items using the data reader and transmits information about the items via a first RF interface, a base station (80) including a second RF interface, a memory, and a data output port, where the base station receives the information about the selected items from the portable terminal via the second RF interface, stores the information in the memory, and outputs the information via the data output port to the checkout station where a user is to pay (col 7, lines 39+).

Schlieffers et al. is silent to a self checkout station including a data input port, a customer operated automated payment accepting subsystem for communicating directly with the terminal to identify the portable terminal, wherein the self checkout station receives the stored

information from the base station and output port via the input port, and accepts payment for the customer for the selected items using the payment accepting subsystem. Though Schlieffers et al. is silent to a self checkout station and a customer operated automated payment accepting subsystem, the Examiner notes that self-checkouts that accept payments are well known and conventional, as a means to reduce the amount of workers to complete a transaction, permitting more registers to be in use at once, reducing labor costs, etc.

Tracy et al. teaches the use of a portable terminal that is used to scan items for purchase, and an automated register 170 is where the customer makes payment for the items. As Tracy et al. teaches an automated register where a customer can make payment (self checkout), the Examiner notes it would have been obvious to one of ordinary skill in the art to include a payment accepting subsystem to process/control payment. The Examiner notes it would have been obvious to have a port/means to send data from the terminal to the checkout, in order to transfer data. Re claims 33 and 55, Tracy et al. teaches that the portable terminal include terminal identification information for identification (col 8, lines 30+)

At the time the invention was made, it would have been obvious to an artisan of ordinary skill in the art to combine the teachings of Schlieffers et al. with those of Tracy et al.

One would have been motivated to do this to have a automated register to allow for customers to make payment, thereby providing convenience, reducing the amount of employees, allowing more registers to be operated at once, etc., as such results are expected.

The teachings of Schlieffers et al./Tracy et al. have been discussed above.

Schlieffers et al./Tracy et al. are silent to a portable interface at the customer operated payment accepting subsystem for communicating directly with the terminal to identify the portable terminal.

Swartz et al. teaches that the terminal can be placed in a cradle at the checkout stand for checkout (col 3, lines 5+), for self-checkout (abstract), and that barcodes are scanned (col 3, lines 28+). Swartz et al. also teaches a remote checkout, such as that taught by Tracy et al., in different embodiments, which demonstrates that different embodiments are available for different system setups.

At the time the invention was made, it would have been obvious to one of ordinary skill in the art to combine the teachings of Schlieffers et al./Tracy et al. with those of Swartz et al.

One would have been motivated to do this to provide for a more convenient and less costly method/embodiment of checking out for customers.

Re claims 34 and 36, the teaching of Schlieffers et al./Tracy et al./Swartz et al. have been discussed above. The Examiner notes that Schlieffers et al. (paragraph [0045]+) teaches barcode readers that can be replaced with laser scanners or RFID readers as well as Tracy et al. (col 3, lines 30+). Though silent to flying spot scanners/optical imaging reader/wand readers, the Examiner notes that such types of readers are well-known and conventional types of barcode reading devices. It would have been obvious to use such a reader to effect desired results such as form factors, portability, reliability, line of sight/non line of sight scanning, etc., based on system constraints.

Re claim 35, though silent to OCR or reading of optical characters, the Examiner notes that Tracy et al. teaches the machine code reader can be an RFID reader, CCD barcode reader, or

another other type of machine code reader (col 3, lines 30+). Additionally, the Examiner notes that reading/identifying items by reading optical characters is well known and conventional in the art. One would have been motivated to use an OCR reader in order to process characters on an item as a means to identify it, that is well known in the art.

Re claim 37, Swartz et al. teaches that in an alternative embodiment, price information can be stored on the host computer 4 (FIG. 4) for determining a total price.

Re claims 38-39, as it has been discussed above that a user is able to pay for items including with cash/check and credit card (col 6, lines 50+ of Tracy et al.), and that the terminal is connected to a point of sale system (500) (FIG. 2), and hence is interpreted to include an interface for connection.

Additional Remarks

3. The Examiner notes see US 6,189,789 which teaches a central computer stores price information/price lookup table where a reader reads object indicia and a price is fetched from the computer). The Examiner notes Lutz (US 5,952,642), which appears to teach a payment accepting subsystem and interface.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel I. Walsh whose telephone number is (571) 272-2409. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

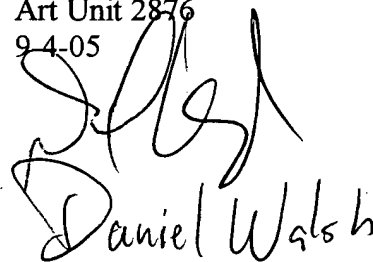
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel I Walsh

Examiner

Art Unit 2876

9-4-05

A handwritten signature in black ink, appearing to read "Daniel I Walsh", is written over the typed name and date.